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REC'D 16 AUG 2004

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference RD.443		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/GB 03/05310	International filing date (day/month/year) 05.12.2003	Priority date (day/month/year) 11.12.2002	
International Patent Classification (IPC) or both national classification and IPC A24B15/00			
Applicant BRITISH AMERICAN TOBACCO (INVESTMENTS) LIMITED ...			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>			
Date of submission of the demand 09.07.2004		Date of completion of this report 13.08.2004	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Pille, S Telephone No. +49 89 2399-2097 	

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/GB 03/05310**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-24 as originally filed

Claims, Numbers

1-30 as originally filed

Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
 - ☐ the language of publication of the international application (under Rule 48.3(b)).
 - ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:
- ☐ contained in the international application in written form.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority in written form.
 - ☐ furnished subsequently to this Authority in computer readable form.
 - ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
 - ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/GB 03/05310**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-30
	No: Claims	
Inventive step (IS)	Yes: Claims	1-30
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-30
	No: Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB03/05310

The subject-matter of claim 1 differs from the prior art in that the outer wrapper is more air permeable than the inner wrapper; the flavour material being held between both wrappers.

These differentiating features lead to a smoking article having an increased delivery of flavour material into the sidestream smoke.

This is nowhere suggested in the prior art.

Claims 2-29 are dependent from claim 1. Method claim 30 comprises the smoking article of claim 1. The subject-matter of these claims is therefore also considered to be new and inventive.

INTERNATIONAL SEARCH REPORT

national Application No
T/GB 03/05310

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 A24B15/28

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 7 A24B A24D A24C

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the International search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	EP 0 868 857 A (REEMTSMA H F & PH) 7 October 1998 (1998-10-07) claims 1-9	1-30
A	US 5 494 055 A (NOE HANS ET AL) 27 February 1996 (1996-02-27) cited in the application the whole document	1-30
A	EP 0 503 795 A (PHILIP MORRIS) 16 September 1992 (1992-09-16) cited in the application the whole document	1,11, 13-15, 24,30
A	US 3 006 347 A (KEATON JOSIAH L) 31 October 1961 (1961-10-31) cited in the application column 4, line 1 - line 24	1,13,14, 30
-/--		

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *&* document member of the same patent family

Date of the actual completion of the international search

21 July 2004

Date of mailing of the international search report

28/07/2004

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Pille, S

INTERNATIONAL SEARCH REPORT

national Application No

T/GB 03/05310

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	<p>GB 2 007 078 A (GALLAHER LTD) 16 May 1979 (1979-05-16) cited in the application page 1, line 23 - line 26 page 1, line 85 - line 87 -----</p>	<p>1,13,14, 29,30</p>

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/GB 03/05310

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
EP 0868857	A	07-10-1998	DE 4244467 A1 AT 225133 T DE 59310306 D1 DK 868857 T3 EP 0608589 A2 EP 0868857 A1 ES 2182219 T3 PT 868857 T US 5494055 A	30-06-1994 15-10-2002 07-11-2002 10-02-2003 03-08-1994 07-10-1998 01-03-2003 31-12-2002 27-02-1996
US 5494055	A	27-02-1996	DE 4244467 A1 AT 225133 T DE 59310306 D1 DK 868857 T3 EP 0608589 A2 EP 0868857 A1 ES 2182219 T3 PT 868857 T	30-06-1994 15-10-2002 07-11-2002 10-02-2003 03-08-1994 07-10-1998 01-03-2003 31-12-2002
EP 0503795	A	16-09-1992	US 5144964 A CA 2063025 A1 EP 0503795 A2 JP 5146285 A	08-09-1992 15-09-1992 16-09-1992 15-06-1993
US 3006347	A	31-10-1961	FR 1247190 A GB 945142 A	25-11-1960 23-12-1963
GB 2007078	A	16-05-1979	BE 870521 A1 CA 1115162 A1 DE 2839958 A1 FR 2403035 A1 FR 2493111 A1 GB 2094611 A ,B IE 48028 B1 IE 48029 B1 IT 1160654 B JP 1279449 C JP 54052800 A JP 59051273 B LU 80241 A1 MX 152270 A NL 7809495 A ,B, US 4236532 A	15-03-1979 29-12-1981 29-03-1979 13-04-1979 07-05-1982 22-09-1982 05-09-1984 05-09-1984 11-03-1987 29-08-1985 25-04-1979 13-12-1984 07-03-1979 19-06-1985 20-03-1979 02-12-1980